

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
GRAND RAPIDS DIVISION**

<b>GORDON FOOD SERVICE, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	<b>Case No. 1:19-cv-00296-RJJ-RSK</b>
<b>COSI, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**STIPULATION AND ORDER REMOVING LAWSUIT FROM  
CASE EVALUATION REQUIREMENT**

Plaintiff, Gordon Food Service, Inc. (“GFS”), and Defendant, Cosi, Inc. (“Cosi”), by and through their undersigned counsel, hereby STIPULATE AND AGREE as follows:

1. On August 13, 2019, this Court entered an Order directing the parties to participate in Case Evaluation. [Dkt. No. 18] (the “Case Evaluation Order”).

2. The parties are, on their own initiative, already pro-actively engaging in good faith settlement discussions including direct contacts involving litigation counsel in the instant matter and general counsel for the Defendant. Based on the same, it is the parties mutually shared position that Case Evaluation is unnecessary and will not assist the parties in settling the lawsuit.

3. In an effort to avoid wasting both time and money and to allow the parties to focus on their own ongoing settlement efforts, GFS and Cosi have agreed, subject to the Court’s approval, to remove this lawsuit from the Case Evaluation requirement.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. This lawsuit shall be removed from the Case Evaluation requirement. The parties will not be required to engage in a Case Evaluation absent further order of this Court.

2. All other case management dates remain intact absent further order of this Court.

STIPULATED AND AGREED:

GORDON FOOD SERVICE, INC.

COSI, INC.

By:/s/ *Jason M. Torf*

Jason M. Torf

Riele J. Sims (*pro hac vice* pending)

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*Counsel for Gordon Food Service, Inc.*

By:/s/ *Alan J. Taylor*

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*Counsel for Cosi, Inc.*

ORDERED:

Dated: \_\_\_\_\_

Enter:

\_\_\_\_\_  
United States District Judge